

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CD INTELLECTUAL PROPERTY HOLDINGS,  
INC.,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

C.A. No. 1:05-00414 (JJF)

**DECLARATION OF WENDY BJERKNES IN SUPPORT OF  
AMAZON.COM, INC.'S MOTION FOR PROTECTIVE ORDER**

I, Wendy Bjerknes, declare as follows:

1. I am an attorney with the law firm of Fenwick & West LLP, counsel to Amazon.com, Inc. and have been granted permission to appear *pro hac vice* in this action. I make the following statements based upon my personal knowledge or on information and belief where indicated and, if called upon to testify, would testify competently to the matters contained herein.

2. Pursuant to Local Rule 7.1.1, I made a reasonable effort to reach agreement with counsel for Plaintiff, CD Intellectual Property Holdings, Inc. to withdraw the Notice of 30(b)(6) Deposition of Amazon.com, Inc. ("deposition notice") and avoid a motion for protective order. Agreement could not be reached.

3. Attached hereto as **Exhibit A** is a true and correct copy of a letter to the Court dated November 21, 2005 by Steven J. Balick submitting the agreed upon "Rule 16 Scheduling Order."

4. Attached hereto as **Exhibit B** is a true and correct copy of the Notice of 30(b)(6) Deposition of Amazon.com, Inc.

5. Attached hereto as **Exhibit C** is a true and correct copy of a letter to Elizabeth A. Leff, Esq. dated February 21, 2006.

6. Attached hereto as **Exhibit D** is a true and correct copy of a letter to C. Nichole Gifford dated February 28, 2006 without the referenced attachment.

7. Attached hereto as **Exhibit E** is a true and correct copy of a letter by Elizabeth A. Leff, Esq. dated February 28, 2006.

8. Attached hereto as **Exhibit F** is a true and correct copy of CD's Responses to Amazon's First Set of Interrogatories dated January 17, 2006.

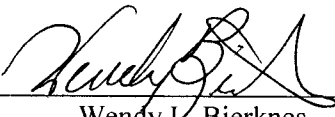
9. Attached hereto as **Exhibit G** is a true and correct copy of "Decision on Appeal" dated June 30, 2003 by the Board of Patent Appeals and Interferences of the United States Patent and Trademark Office in *Ex parte* Charles Stack, Appeal No. 2001-2051, Application No. 08/923,293.

10. Attached hereto as **Exhibit H** is a true and correct copy of U.S. Patent No. 6,782,370, entitled "System and Method for Providing Recommendation of Goods or Services Based on Recorded Purchase History" ("the '370 patent").

11. Attached hereto as **Exhibit I** is a true and correct copy of *McCurdy v. Wedgewood Capital Mgmt. Co.*, Civ. No. 97-4304, 1998 U.S. Dist. LEXIS 20628 (E.D. Pa. December 31, 1998).

12. Attached hereto as **Exhibit J** is a true and correct copy of a letter to Elizabeth A. Leff, Esq. dated February 10, 2006.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on the 3rd day of March, 2006, at Mountain View, California.

  
Wendy L. Bjerknes